

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GRAYSON-BEY,

Plaintiff,

v.

Case No. 19-cv-13588-NGE-DRG

Hon. Nancy G. Edmunds

Mag. Judge David R. Grand

SOUTHFIELD POLICE DEPARTMENT,
OFFICER MICHAEL WOJCIECHOWSKI,
OFFICER DAVID MOORE, and OFFICER
SWADE FOX,

Defendants.

GRAYSON-BEY

Plaintiff, Pro Se

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SEWARD HENDERSON PLLC

By: T. Joseph Seward (P35095)

David D. Burress (P77525)

Attorneys for Defendants

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**DEFENDANTS, SOUTHFIELD POLICE DEPARTMENT, OFFICER MICHAEL
WOJCIECHOWSKI, OFFICER DAVID MOORE, AND OFFICER SWADE FOX'S
ANSWER TO THE COMPLAINT**

NOW COME the Defendants, SOUTHFIELD POLICE DEPARTMENT,
OFFICER MICHAEL WOJCIECHOWSKI, OFFICER DAVID MOORE, and OFFICER

SWADE FOX, by and through their attorneys, **SEWARD HENDERSON PLLC**, and for the Answer to the Complaint, states as follows:

I. A. In answer to paragraph I. A, the Defendants neither admit nor deny the allegations contained therein for want of sufficient information upon which to form a belief as to the truth of the averments, and therefore leave the Plaintiff to his proof.

I. B. In answer to paragraph I. B, the Defendants acknowledge that the City of Southfield Police Department is located at 26000 Evergreen within the City of Southfield. However the Defendants deny that the department has the capacity to be sued. The Defendants further acknowledge that Officers Fox, Moore, and Wojciechowski are employed by the City of Southfield within its fine police department.

II. In answer to paragraph II, the Defendants neither admit nor deny the allegations contained therein for want of sufficient information upon which to form a belief as to the truth of the averments, and therefore leave the Plaintiff to his proof.

II. A. 1. In answer to paragraph II. A. 1, the Defendants neither admit nor deny the allegations contained therein for want of sufficient information

upon which to form a belief as to the truth of the averments, and therefore leave the Plaintiff to his proof.

II. A. 2. In answer to paragraph II. A. 2, the Defendants neither admit nor deny the allegations contained therein for want of sufficient information upon which to form a belief as to the truth of the averments, and therefore leave the Plaintiff to his proof.

II. B. 1. In answer to paragraph II. B. 1, the Defendants admit the allegations contained therein.

II. B. 2. In answer to paragraph II. B. 2, the Defendants admit the allegations contained therein

II. B. 3. In answer to paragraph II. B. 3, the Defendants deny the allegation contained therein for the reason it is untrue.

III. In answer to paragraph III, Defendants acknowledge that Mr. Grayson was stopped by the Southfield police officers. The Defendants acknowledge that Mr. Grayson informed the officers that his son Ameer was in the back seat. Defendants further agree that Mr. Grayson gave a false identification of Grayson-Bey. The Defendants acknowledge that the Southfield officers did wait with Ameer Grayson until his mother arrived. The Defendants further acknowledge telling Mr. Grayson that the reason he

was stopped was because they had probable cause to believe that the vehicle he was driving was involved in a fleeing and eluding felony. Finally, the Defendants acknowledge that Mr. Grayson appeared in Court.

IV. Defendants deny that these actions led to the damages being sought by Plaintiff such as that his wife lost her job, his son was traumatized, that he would have a need to go to therapy because of this incident or that he fell behind in this mortgage because of this ordeal for the reason that said allegations cannot be true.

WHEREFORE, Defendants pray for a judgment of no cause for action, together with an award of costs, interest and attorney fees in their favor that were wrongfully occurred.

Respectfully submitted,

SEWARD HENDERSON PLLC

/s/T. Joseph Seward (P35095)

Attorneys for Defendants

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Dated: February 18, 2020

PROOF OF SERVICE

I hereby certify that on **Tuesday, February 18, 2020**, I electronically filed the foregoing document with the Clerk of the court using the ECF system, and served a copy on Plaintiff via U.S. First Class Mail at the above-listed address.

/s/ Alyssa Schwarcz
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**DEFENDANTS, SOUTHFIELD POLICE DEPARTMENT, OFFICER MICHAEL
WOJCIECHOWSKI, OFFICER DAVID MOORE, AND OFFICER SWADE FOX'S
AFFIRMATIVE DEFENSES**

NOW COME the Defendants, SOUTHFIELD POLICE DEPARTMENT,
OFFICER MICHAEL WOJCIECHOWSKI, OFFICER DAVID MOORE, and OFFICER

SWADE FOX, by and through their attorneys, **SEWARD HENDERSON PLLC**, and for their Affirmative Defenses, states as follows:

1. That this matter is barred by res judicata and/or collateral estoppel.

2. That the individual officers herein are entitled to invoke the *Doctrine of Qualified Immunity* which bars some or all of the claims made herein.

3. That the Southfield Police Department does not have the capacity to be sued.

4. That at all times hereto, the officers acted upon reasonable suspicion and/or probable cause, and as such, the claims herein must be dismissed.

5. That these Defendants reserve their right to list additional affirmative defenses as they become known throughout the course of this litigation.

Respectfully submitted,

SEWARD HENDERSON PLLC

/s/ T. Joseph Seward (P35095)

Attorneys for Defendants

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/s/ Alyssa Schwarcz

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